

## US EXECUTIVE APPROVAL FORM

### Abt Associates

#### HQAPP Requests:

1. Support not to exceed 5% of prior years fees in year 3 and year 4 of the contract (3 year flatline already approved)
2. In the OLA document revise the last bullet in the Ownership and Restrictions section (Note: the following legal changes have already been run by Oracle Legal) to read as follows:
  - a. "Disclosure results of any program benchmark tests to sources outside your company without Oracle's prior written consent"
3. In the OLA document revise the first paragraph in the Other section to read as follows:
  - a. "This agreement is governed by the substantive and procedural laws of California" and remove the rest. (silent on jurisdiction)

#### TIER 2/3 Requests:

1. 50% discount on ala carte NOT ebusiness suite
2. Price hold on the following products not on this ordering form for a period of 12 months
  - Remote Data Capture (50% off) or \$4.50 per CRF page
  - Adverse Event Reporting System (50% off) or \$7,500 per application user

#### Previously approved requests (include date of approval):

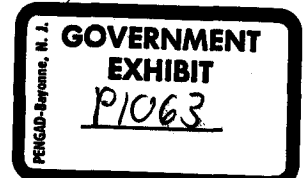
Approvals for items below were given 5/23/03

##### HQAPP approvals

1. Discount of 60% (35% above store)
2. Discount of 87% (62% above store) on tutor for applications & ss tutor for apps
3. Approve the following changes to the OLA. These changes were approved on original agreement dated May 2000.
  - a. Replace the second half of the first sentence of the audit language with the following in the Other section:
    - "Oracle may audit your use of the programs solely to assure your compliance with the terms of the Ordering Document and the Agreement"
  - b. Insert "materially" before breach in the first sentence of the End of Agreement section
  - c. Under "Fees and Taxes", remove the first two sentences and replace with the following: "All fees payable to us, are due within 30 days, and you also agree to pay any federal, state, local, value added goods and services, or any other similar taxes or duties that we must pay based on programs or technical support you have acquired; this shall not apply to taxes based on our income"
  - d. In the first sentence of the second paragraph, after "the provider may end the license for the applicable Material and refund any fees the Recipient may have paid for it." ADD a new sentence: "If Oracle terminates a program license under the preceding sentence, Oracle will refund to you any unused, pre-paid technical support fees for the terminated program license." (Already approved by Legal – Pete. Lefkowitz)
  - e. The following shall be added at the beginning of the second sentence of the Limitation of Liability section:
    1. "Except with respect to the infringement indemnity specified above, "

Tier 1 Approvals (approvals given 5/23/03)

1. Price hold for 1 year
2. Flat line support for 2 years (already approved in existing 'settlement' agreement dated August 2002)



**Deal Summary:**

<b>Deal Summary</b>	
<b>Programs</b>	Adv Benefits 1200 named users IRecruitment 1200 named users Clinical 18 App Users Thesaurus Mgt. System 2 App Users Thesaurus Mgt. System 16 Read Only Users
<b>License Discount</b>	50% (ebiz +25%)
<b>Support Discount</b>	50 % (ebiz +25%)
<b>Comp &amp; Admin Discount</b>	
<b>Phased Implementation for Comp &amp; Admin?</b>	See checklist below and forward a spreadsheet to NASINFO/OGEHINFO
<b>Subset of Users</b>	See checklist below and forward a spreadsheet to NASINFO/OGEHINFO
<b>Support Options/Holds</b>	2 years
<b>Price Holds</b>	1 year on products in order document plus RDC and AERS at 50% of list license fees
<b>List License</b>	\$412,000
<b>List Support</b>	\$90,640
<b>List Comp &amp; Admin</b>	
<b>Net License</b>	\$206,000
<b>Net Support</b>	\$45,320
<b>Net Comp &amp; Admin</b>	
<b>Net Total Price</b>	\$251,320
<b>Price List Used</b>	March 24 <sup>th</sup>

**Justification:**

Customer early adopter of 11i and ran into significant problems. Abt has been reluctant in the past to adopt additional Oracle product and has explored alternative solutions, most notably Peoplesoft. By having them adopt additional HR modules like advanced benefits and irecruitment, deepens our position in the account and their commitment to Oracle and significantly reduces the likelihood of them considering alternatives like Peoplesoft.

In addition, on the clinicals opportunity, Phase Forward is being extremely aggressive to keep Abt as a customer. Abt has been running Clintrials for 7+ years and Phase Forward is dramatically reducing the costs for the upgrade to secure Abt as an account. Abt is currently using Oracle ERP in the main division and this would broaden the Oracle application footprint into their clinicals division and kick out our #1 competitor in this market.

**Recommendation:**

Rich reviewed. Approve. NP

Submitted By: *Walter McCourt*

*John Boucher*

R: 05/28/03  
C: 05/28/03  
L: 05/28/03  
A: 05/28/03  
BP: swong